

**REMARKS/ARGUMENTS:**

Claims 1 – 26 are pending in the application, with claims 1, 11, 16 and 20 being independent.

Applicants have carefully considered the contents of the Office Action and respectfully request reconsideration and reexamination of the subject application in view of the explanations noted below.

**Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1 - 4 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,678,380 to Westby (the Westby '380 patent) in view of U.S. Patent No. 4,613,930 to Ambasz (the Ambasz '930 patent). Claims 6, 8, 20 – 23 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Westby '380 and Ambasz '930 patents in further view of U.S. Publication No. 2003/0058640 to McAlpin (the McAlpin '640 publication). Claims 9 -12 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Westby '380 and Ambasz '930 patents in further view of U.S. Patent No. 3,591,798 to Florence (the Florence '798 patent). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Westby '380, Ambasz '930 and Florence '798 patents in further view of the McAlpin '640 publication.

Applicants respectfully traverse this rejection, since the Westby '380 patent, either alone or in combination with any of the cited secondary references, clearly does not disclose, teach or render obvious the subject matter of independent claims 1, 11 and 20.

**Independent Claims 1 and 11**

Independent claims 1 and 11 recite, inter alia, a tongue formed in a wall of a lighting fixture housing that receives a first loop of a suspension cable to suspend the lighting fixture from a support. As described below, these features are not disclosed or suggested by the Westby '380 patent alone or in any combination with the cited secondary references.

The Westby '380 patent discloses a lighting fixture 11 hung from a supporting structure by suspension cables 13, as shown in FIGS. 1 and 2. Hooks fastened to the upper surface of housing member 12 receive the suspension cables 13.

The Ambasz '930 patent is cited for allegedly disclosing a tongue (FIG. 1) adapted to receive a loop of a suspension cable 48. However, the Ambasz '930 patent discloses a pair of brackets 46 secured to each end plate 14B that receive the suspension cable 48, as shown in FIG. 1. Col. 3, lines 6 – 8. Therefore, the Westby '380 patent in view of the Ambasz '930 patent does not disclose a tongue formed in a wall of a housing that engages a loop of a suspension cable as recited in independent claim 1.

The Florence '798 patent is cited for disclosing a parabolic reflector 45 coupled to the housing 11 that is aligned with the first lamp 14 for directing light in a direction through the opening of the housing, as shown in FIG. 2. The Florence '798 patent is also cited for disclosing a plurality of baffles 26 extending towards the opening of the housing 11. Longitudinal edges 17 of the housing 11 allow the lighting fixture to be mounted to a ceiling member 18 in a ceiling 19, as shown in FIG. 2. Therefore, the Westby '380 patent in view of the Ambasz '930 and the Florence '798 patents does not disclose a tongue formed in a wall of a housing that engages a loop of a suspension cable as recited in independent claim 11.

As recited in independent claims 1 and 11, the Westby '380 patent fails to disclose a tongue formed in a wall of a lighting fixture housing that receives a first loop of a suspension cable to suspend the lighting fixture from a support. The Ambasz '930 patent is cited for allegedly disclosing a tongue (bracket 46 of FIG. 1). However, the bracket 46 of the Ambasz '930 patent is not a tongue. The Merriam-Webster OnLine website ([www.merriamwebster.com](http://www.merriamwebster.com)) defines "tongue" as "something resembling an animal's tongue in being elongated and fastened at one end only." As is clearly shown in FIG. 1 of the Ambasz '930 patent, the pair of brackets 46 are clearly not tongues, as recited in independent claims 1 and 11. The brackets 46 of the Ambasz '930 patent are fixed at each end to the end plate 14B to receive and retain the suspension cable 48 between the fixed ends. Therefore, the Westby '380 patent in view of the Ambasz '930 patent does not disclose a *tongue* formed in a wall of a lighting fixture housing that receives a first loop of a suspension cable to suspend the lighting fixture from a support.

Furthermore, the bracket 46 of the Ambasz '930 patent does not receive a loop of a suspension cable, as recited in independent claims 1 and 11. Instead, the bracket 46 of the Ambasz '930 patent receives only a single strand of the cable and a second bracket is required to properly suspend the lighting fixture, thus requiring a pair of brackets to receive

the loop of the suspension cable 48. Thus, the Ambasz '930 patent fails to disclose or suggest a tongue that receives a first *loop* of a suspension cable to suspend the lighting fixture from a support, as recited in independent claims 1 and 11.

The Florence '798 patent fails to cure the above deficiencies in the Westby '380 and Ambasz '930 patents, as it is cited for disclosing a parabolic reflector 45 and baffles.

Therefore, the Westby '380 patent in view of the Ambasz '930 and Florence '798 patents does not anticipate or render obvious independent claims 1 and 11.

Claims 2 – 10 and 12 - 15, being dependent upon independent claims 1 and 11, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the first tongue being integrally formed with the wall of the housing of claims 2 and 12; the wall including a second tongue engaged by a second loop at a third end of a second suspension cable of claim 3; a first parabolic reflector being coupled within the elongated housing and aligned with the first lamp to direct light in a direction through the opening of the housing, and the first parabolic reflector including a plurality of baffles extending towards the opening of the housing of claims 10 and 15; and a first end cap engaging the wall of the housing and having a tab spaced from and covering a portion of the first tongue of claims 5 and 13. Therefore, dependent claims 2 – 10 and 12 – 15 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

#### Independent Claim 20

Independent claim 20 recites, inter alia, inserting a first suspension cable between a wall of the housing of the lighting fixture and one of the end caps and looping a suspension cable around a suspension member formed in a wall of the housing . As described below, these features are not disclosed or suggested by the Westby '380 patent alone or in any combination with the cited secondary references.

The McAlpin '640 publication is cited for disclosing end caps 1 that cover the sides of the lighting apparatus F, as shown in FIG. 1. The lighting fixture F of the McAlpin '640 publication is secured to a supporting structure by chains 40 and 41.

The Ambasz '930 patent discloses forming a loop with an end of a suspension cable by passing the cable through a pair of brackets attached to the end plates 14A and 14B of the lighting fixture 11. The Westby '380 patent discloses securing a suspension cable 13 to a hook attached to an upper surface of the lighting fixture, as shown in FIG. 1. Therefore, the Westby '380 patent in view of the Ambasz '930 patent does not disclose or suggest looping a suspension cable around a suspension member formed in a wall of the housing, as recited in independent claim 20. As the brackets 46 of the Ambasz '930 patent are fixed at both ends, a loop in the suspension cable 48 would not be able to be looped around a bracket 46 on the end plate 14B to secure the lighting fixture. Furthermore, as the McAlpin '640 publication is cited for disclosing a parabolic reflector, the McAlpin '640 publication does not cure this deficiency in the Westby '380 and Ambasz '930 patents.

Therefore, the Westby '380 patent in view of the Ambasz '930 patent and McAlpin '640 publication do not anticipate or render obvious independent claim 20.

Claims 21 – 26, being dependent upon independent claim 20, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the at first and second suspension members being tongues formed integrally with the wall of the housing of claim 22; each of the end caps including a tab spaced from and covering a portion of the first and second tongues of claim 24; and a parabolic reflector being coupled within the housing and aligned with the lamp to direct light in a direction through the opening of the housing, and the parabolic reflector including a plurality of baffles extending towards the opening of the housing of claim 25. Therefore, dependent claims 21 – 26 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

#### **Allowable Subject Matter**

Applicants appreciate the allowed subject matter of claims 16 – 19.

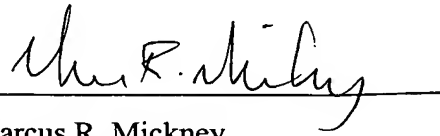
Applicants also appreciate the indicated allowability of objected to claims 5, 13 and 24, which would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Application No. 10/815,993  
Amendment Dated January 6, 2006  
Reply to Office Action of October 7, 2005

\* \* \*

In view of the foregoing amendments and comments, Applicant respectfully submits that claims 1 – 26 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Marcus R. Mickney", is written over a horizontal line.

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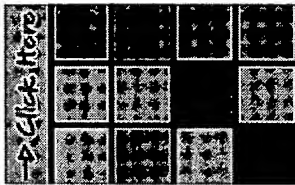
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## tongue

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tongue[2,verb]  
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Browse words in  
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tongue

Main Entry: **<sup>1</sup>tongue** 🗣️

Pronunciation: 't &amp; [ng]

Function: *noun*

Etymology: Middle English *tunge*, from Old English; akin to Old High German *zunga* tongue, Latin *lingua*

**1 a** : a fleshy movable process of the floor of the mouths of most vertebrates that bears sensory end organs and small glands and functions especially in taking and swallowing food and in humans as a speech organ **b** : a part of various invertebrate animals that is analogous to the tongue

**2** : the flesh of a tongue (as of the ox or sheep) used as food

**3** : the power of communication through speech

**4 a** : **LANGUAGE**; *especially* : a spoken language **b** : manner or quality of utterance with respect to tone or sound, the sense of what is expressed, or the intention of the speaker <she has a clever *tongue*> <a sharp *tongue*> **c** : ecstatic usually unintelligible utterance accompanying religious excitement -- usually used in plural **d** : the cry of or as if of a hound pursuing or in sight of game -- used especially in the phrase *to give tongue*

**5** : a tapering flame <*tongues* of fire>

**6** : a long narrow strip of land projecting into a body of water

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**7** : something resembling an animal's tongue in being elongated and fastened at one end only: as **a** : a movable pin in a buckle **b** : a metal ball suspended inside a bell so as to strike against the sides as the bell is swung **c** : the pole of a vehicle **d** : the flap under the lacing or buckles of a shoe at the throat of the vamp

**8 a** : the rib on one edge of a board that fits into a corresponding groove in an edge of another board to make a flush joint **b** : **FEATHER** 4

- **tongue-like**  /-ˈtɪŋk/ *adjective*

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